

## **SUBCHAPTER H : CONVEYANCES OF LAND AND WATER RIGHTS**

### **§297.81. General Rules of Conveyance.**

(a) Except as provided in subsection (b) of this section, the right to use water for the purpose of irrigation is appurtenant to the land authorized to be irrigated and a conveyance of land with an appurtenant water right also conveys the water right unless expressly reserved or excepted; provided, however, that if the water right has been granted for the irrigation of land not owned by the applicant, such a water right is personal to the permittee and does not pass with a conveyance of the land.

(b) A water right does not attach to the irrigated land when held by a water corporation, water district, river authority, or governmental entity authorized to supply water to others. Only by express written conveyance can such a water right be transferred. The foregoing is subject to all laws relating to lawful rights of owners along ditches and canals.

(c) If a landowner reserves a water right in a conveyance of land authorized to be irrigated and desires to change the place of use, the point of diversion or the purpose of use, an application to amend the water right must be filed with the executive director as provided by §295.71 of this title (relating to Applications to Amend a Permit).

(d) A water right may be conveyed separately from the land; provided, however, the water right must be utilized in accordance with its terms and conditions until amended by the commission.

### **§297.82. Duty To Inform Executive Director.**

An owner of a water right or his or her agent shall promptly inform the executive director of any transfer of water right or change of the owner's address.

### **§297.83. Recording Conveyances of Water Rights.**

The written instrument evidencing a water right ownership transfer shall be recorded in the office of the county clerk. Certified copies or photocopies of the recorded instruments establishing the complete chain of title between owners of record and the new owner shall be filed with the executive director along with a completed "Change of Ownership" form and an ownership recording fee as required by §295.139(d) of this title (relating to Miscellaneous Fees).